

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

KEY ITEMS, INC., :

Plaintiff, : 09 Civ. 3729 (HBP)

-against- : OPINION
AND ORDER¹

ULTIMA DIAMONDS, INC., GLOBAL :
JEWELLERY SOLUTIONS LTD., ULTIMA
2008 LTD. and EDWARD MAIEROVITZ, :

Defendants. :

-----X

PITMAN, United States Magistrate Judge:

On March 24, 2010 I granted the application of Jennifer Redmond, Esq. to be relieved as counsel for Ultima Diamonds, Inc. and Edward Maierovitz. My Order relieving Ms. Redmond provided that

Because Ultima Diamonds, Inc. is a corporation, it cannot proceed pro se; it must be represented by counsel. Rowland v. California Men's Colony, 506 U.S. 194, 201-03 (1993); Grace v. Bank Leumi Trust Co., 443 F.3d 180, 192 (2d Cir. 2006); Jacobs v. Patent Enforcement Fund, Inc., 230 F.3d 565, 568 (2d Cir. 2000). Accordingly, Ultima Diamonds is warned that unless it retains new counsel within thirty (30) days of the date of this Order, a default judgment will be entered against it.

¹All parties have consented to my exercising plenary jurisdiction over this matter pursuant to 28 U.S.C. § 636(c).

Despite the passage of almost two years, Ultima Diamonds, Inc. has never retained new counsel. Accordingly, I conclude that it is in default.

Because this is an action on an account stated, I further conclude that no inquest is necessary. See British Int'l Ins. Co. v. Seguros La Republica, S.A., 90 Civ. 2370 (JFK), 1999 WL 301689 at *10 (S.D.N.Y. May 12, 1999) (Keenan, D.J.), aff'd in part, vacated in part on other grounds, 213 F.3d 625 (2d Cir. 2000); Stephan B. Gleich & Assocs. v. Gritsipis, 87 A.D.3d 216, 223, 927 N.Y.S.2d 349, 355 (2d Dep't 2011). Accordingly, the Clerk of the Court is directed to enter judgment in favor of plaintiff against Ultima Diamonds, Inc. in the amount of the account stated -- \$112,976.26 -- plus pre-judgment interest at the rate of 9% from March 17, 2009.

Because all claims against all other parties have been dismissed as a result of my Orders dated August 17, 2010 (Docket Item 26) and September 29, 2011 (Docket Item 36), upon the entry

of judgment against Ultima Diamonds, Inc., the Clerk of the Court is directed to mark this matter closed.

Dated: New York, New York
February 15, 2012

SO ORDERED


Henry Pitman
HENRY PITMAN
United States Magistrate Judge

Copies transmitted to:

Kathryn L. Bedke, Esq.
Paduano & Weintraub LLP
9th Floor
1251 Avenue of the Americas
New York, New York 10020

Jennifer A. Redmond, Esq.
Law Offices of Jennifer Redmond
12th Floor
44 Wall Street
New York, New York 10005

Francis D. Bigelow, II
Sadis & Goldberg
21st Floor
551 Fifth Avenue
New York, New York 10176